

DEVITT SPELLMAN BARRETT, LLP

ATTORNEYS AND COUNSELLORS AT LAW

50 Route 111

Smithtown, New York 11787

Phone: (631) 724-8833

Fax: (631) 724-8010

Email: info@devittspellmanlaw.com

THOMAS J. SPELLMAN, JR.
WILLIAM J. BARRETT
KEVIN M. SPELLMAN
JELTJE de JONG
DIANE K. FARRELL
FRANCIS J. TIERNEY
DAVID S. PALLAI
JOHN M. DENBY
DAVID H. ARNTSEN

Retired
JOSEPH P. DEVITT

ANDRE N. POULIS
KENNETH M. SEIDELL

STEPHAN D. TRACE
KELLY E. WRIGHT
NICHOLAS M. BRINO
THOMAS SICA
CHARLES W. BORGHARDT
JOSHUA S. SHTEIERMAN

Of Counsel
STEFANIE AFFRONTI
DEBORAH C. ZACHARY

May 12, 2011

United States District Judge Joanna Seybert
United States District Court,
Eastern District of New York
814 Federal Plaza
Central Islip, New York 11722-4451 ([VIA ECF](#))

Re: Alfaro v. Town of Southampton, Docket 06-CV-1470(JS)(WDW)
Trial date: 6/13/11

Dear Judge Seybert:

This firm represents the defendant Town of Southampton in the above referenced matter. I have been the attorney assigned to this case since it was first filed. I am the attorney who is scheduled to defend this matter on trial. I am the only attorney within this firm who has sufficient knowledge of the matter to be able to effectively defend this case at this time.

This matter was adjourned at my request on October 1, 2010 due to my husband's serious medical issues. While the parties were available to go forward with the trial within two months after the adjourned date, this Court advised that its schedule would not allow a trial at that time. I agreed to go before a magistrate judge but plaintiff was not in agreement. On October 8, 2010, Your Honor advised that this matter would be reassigned to another judge. Seven months later, during a telephone conference, this Court scheduled the trial for jury selection on June 13, 2011. It is my understanding that my partner, Dave Arntsen, during this conference advised the court that I would be out of the country at that time. Despite my unavailability, this Court held firm on that schedule.

This letter is written to request that this Court reconsider the above referenced trial date. While there has been a lengthy delay with regard to the scheduling of this trial, it is respectfully submitted that neither of the parties were the cause of the delay. I will be out of the country,

October 1, 2010

Page 2

because I will be on a vacation which was planned last year. I am traveling with seven other people, all of whom are depending upon me to contribute my fair share of the costs of lodging and transportation. I have already paid my share of lodging and will not get reimbursed. This is not a vacation that I can reschedule, since six other people have already paid for their air fares, lodging and car rentals. Perhaps the seventh person, my spouse, will not go on vacation without me. If that is the case, then we will both not be reimbursed for lodging, car rental and any other reserved activities (ie. Rail pass, theater tickets, etc.), and his vacation too, will be ruined. In short, should I be required to select a jury and begin a trial on June 13, 2011, my plans will not be the only plans destroyed.

My client will be prejudiced, in the event that someone else from this firm will have to attempt to become familiar with the file in order to defend this matter at trial.

I thank you for your reconsideration.

Very truly yours,

DEVITT SPELLMAN BARRETT, LLP

/S/

Jeltje deJong

cc: *Via ECF only:*

Campanelli & Associates, P.C.
Attorneys for Plaintiff
129 Front Street
Mineola, New York 11501